

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group III (claims 1, 8 and 13) in the reply filed on April 28, 2008 is acknowledged. The traversal is on the ground(s) that essentially there is no serious burden on the Examiner because "any search for the invention embodied in Group III would necessarily include a search for the inventions embodied in Groups I, II and IV." This is not found persuasive because as stated in the restriction requirement, the Groups are directed to different aspects or subcombinations of the disclosed invention and have very different search areas as well as different text search requirements. For example, to add a search for tensioning means and the specifics thereof as set forth in Group II to a search for a guide as set forth in elected Group III would create a serious burden since guides have a separate classification such as 30/289 as well as text searches that would not be required for Group II. The converse applies as well.

Claims 2-7 and 9-12 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

The requirement is still deemed proper and is therefore made FINAL.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The information disclosure statement filed on September 22, 2006 has been received and the references listed thereon have been considered.

***Drawings***

4. The drawings are objected to because of the following informalities:

A numeral should be provided to indicate the cover part (see page 4, line 3).

In Figure 5, a numeral should be added to indicate the blade.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Abstract***

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because of the use of "comprising" in line 1. Correction is required. See MPEP § 608.01(b).

### ***Specification***

7. The disclosure is objected to because of the following informalities:

On page 3, lines 17 and 19, a numeral should be provided after each occurrence of "shell"; in line 21, a numeral should be provided after "blade".

On page 4, line 3, "cover part" should be clearly indicated, and it is suggested to insert a numeral after "cover part", and to change "which" to -- in which the transparent window 14 is disposed, and wherein the cover part-- or the like.

On page 6, line 5, "26" is inaccurate and should read --16--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

8. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Diaz, pn D501,386.

Regarding claim 1 (and 13), Diaz discloses a cutter with every structural limitation of the claimed invention including:

an upper part (e.g., the upper horizontal member as viewed in Figs. 7, 8) and a lower part (e.g., the lower horizontal member as viewed in Figs. 7, 8);

a blade and holder means (e.g., the structure between the two horizontal members as viewed in Figs. 7, 8) extending between the parts and forming the sole connection between the parts and provided with a cutting means (e.g., the feature shown by the broken line), the upper part comprising a body adapted for manual manipulation, wherein the lower part and upper part provide surfaces on opposed faces thereof, a gliding surface on the underside the lower part and a sheet guide surface on

the upper side thereof for guiding the sheet between the parts and for presenting the sheet to the cutting means for cutting;

[claim 8] wherein the lower part of the apparatus is provided with notches or channels (e.g., as shown in Fig. 2) for cooperating with a rule or straight edge or other template to guide the cutter.

11. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Shah, Pub. No. 2002/0148119.

Regarding claim 1 (and 13), Shah discloses a cutter with every structural limitation of the claimed invention including:

an upper part (e.g., 12) and a lower part (e.g., 11);

a blade and holder means (e.g., the structure between the two horizontal members as viewed in Figs. 1, 2) extending between the parts and forming the sole connection between the parts and provided with a cutting means (e.g., 14), the upper part comprising a body adapted for manual manipulation, wherein the lower part and upper part provide surfaces on opposed faces thereof, a gliding surface on the underside the lower part and a sheet guide surface on the upper side thereof for guiding the sheet between the parts and for presenting the sheet to the cutting means for cutting.

12. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcoux, pn 3,835,536.

Regarding claim 1 (and 13), Marcoux discloses a cutter (e.g., see Figs. 8-11) with every structural limitation of the claimed invention including:

an upper part (e.g., 21) and a lower part (e.g., 27);  
a blade and holder means (e.g., 22) extending between the parts and forming the sole connection between the parts and provided with a cutting means (e.g., the cutting edges of 22), the upper part comprising a body adapted for manual manipulation, wherein the lower part and upper part provide surfaces on opposed faces thereof, a gliding surface on the underside the lower part and a sheet guide surface on the upper side thereof for guiding the sheet between the parts and for presenting the sheet to the cutting means for cutting.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over each of Shah, Pub. No. 2002/0148119 and Marcoux, pn 3,835,536, each taken in view of Currier, pn 2,274,978.

Shah and Marcoux each discloses a cutter with almost every structural limitation of the claimed invention as described above but lacks:

[claim 8] wherein the lower part of the apparatus is provided with notches or channels for cooperating with a rule or straight edge or other template to guide the cutter.

However, the provision of such notches or channels in cutting devices is old and well known in the art and provide various well known benefits including maintaining alignment of the cutting device along a straight line or other patterns. Currier discloses one example of a cutter that includes such notches or channels. Therefore, it would have been obvious to one having ordinary skill in the art to provide such notches or channels on the cutter of each of Shah or Marcoux to gain the well known benefits including those described above.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
June 24, 2008